

## COMMITTEE REPORT

TO: Patrick O'Donnell  
Clerk of the Legislature

FROM: Senator Sara Howard  
Chair, Health and Human Services Committee

DATE: 11.13.2020

RE: Health and Human Services Committee Report and Recommendations on  
Regulated Occupations within Committee Jurisdiction – Sign Language  
Interpreters and Video Remote Interpreters

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### GENERAL INFORMATION

- I. Occupation Regulated
  - A) Sign Language Interpreters and Video Remote Interpreters
  
- II. Name of Occupational Board Responsible for Enforcement
  - A) Per Nebraska Revised Statutes, section [71-4728](#), the Nebraska Commission for the Deaf and Hard of Hearing is responsible for licensing interpreters and video remote interpreting providers. Pursuant to Nebraska Revised Statutes, section [20-156](#), the Commission for the Deaf and Hard of Hearing shall create the Interpreter Review Board to set policies, standards, and procedures for evaluation and licensing of interpreters.
  
- III. Public Purpose and Assumptions Underlying License Creation
  - A) The purpose underlying license creation, per Nebraska Revised Statutes, section [20-150](#), is to protect and secure the rights of deaf and hard of hearing persons who cannot readily understand or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of state agencies and law enforcement personnel unless licensed interpreters are available to assist them.

A licensed interpreter means a person who demonstrates proficiencies in interpretation or transliteration as required by the rules and regulations adopted and promulgated by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of section 20-150 and who holds a license issued by the commission pursuant to section 20-156.

IV. Number of Regulated Professionals in Nebraska

- A) There are 121 licensed Sign Language Interpreters in Nebraska, and 12 Video Remote Interpreter businesses in Nebraska.

**BOARD MEMBERSHIPS AND MEETINGS**

I. Number of Members

- A) There are nine members of the Nebraska Commission for the Deaf and Hard of Hearing.
- B) There are eight members of the Interpreter Review Board.

II. Who Appoints Members of the Board / Is Legislative Approval Required?

- A) The Governor appoints members of the Nebraska Commission for the Deaf and Hard of Hearing. Legislative approval is required.
- B) The Commission for the Deaf and Hard of Hearing appoints members of the Interpreter Review Board. Legislative approval is not required.

III. Term Length

- A) The length of term for service on the Nebraska Commission for the Deaf and Hard of Hearing is up to two consecutive three year terms, on a rotating basis. A former member who has served two consecutive terms may be reappointed after at least one year of nonservice.
- B) The length of term for service on the Interpreter Review Board is up to two consecutive three year terms, on a rotating basis, except for the representative of the Department of Health and Human Services, who serves continuously and without limitation.

IV. Qualifications for Membership of the Board

- A) The Nebraska Commission for the Deaf and Hard of Hearing is made up of nine members: three deaf persons; three hard of hearing persons; and three persons with an interest in and knowledge of deafness and hearing loss issues. A majority of Commission members shall be able to express themselves through sign language.
- B) The Interpreter Review Board is made up of eight members: one Director of the Department of Health and Human Services or his or her designee; one Director of the Commission for the Deaf and Hard of Hearing or his or her designee; two deaf or hard of hearing people; two qualified interpreters who must be licensed interpreters within one year of their appointment; and two members representing local government.

- V. The Number of Meetings Required Per Year / Meetings Actually Held
  - A) The following information is for the Nebraska Commission for the Deaf and Hard of Hearing. Members of the Interpreter Review Board meet as required.
  - B) For fiscal year (FY) 2014-2015: Meetings Required – 4; Meetings Held – 4.
  - C) For FY 2015-2016: Meetings Required – 4; Meetings Held – 3.
  - D) For FY 2016-2017: Meetings Required – 4; Meetings Held – 4.
  - E) For FY 2017-2018: Meetings Required – 4; Meetings Held – 4.
  - F) For FY 2018-2019: Meetings Required – 4; Meetings Held – 4.
  
- VI. Annual Budget Information for the Previous Five Years
  - A) The Nebraska Commission for the Deaf and Hard of Hearing is funded by the Commission for the Deaf and Hard of Hearing fund, which consists of gifts, grants, monetary donations, personal property donations, real property donations, and fees collected for Sign Language Interpreter and Video Remote Interpreter services and licensure requirements.
  - B) For FY 2014-2015: \$1,340,731
  - C) For FY 2015-2016: \$1,190,358
  - D) For FY 2016-2017: \$1,076,682
  - E) For FY 2017-2018: \$1,116,897
  - F) For FY 2018-2019: \$1,067,727
  
- VII. Statement from Occupational Board on Effectiveness of Regulations
  - A) The Executive Director of the Nebraska Commission for the Deaf and Hard of Hearing stated “The effectiveness of the regulations overseen by the Board aligns with our agency’s mission statement to advocate for Nebraskans who are Deaf, Deaf-Blind and Hard of hearing, and aligns with our mission to achieve equality in aspects impacting their daily lives by enhancing and monitoring access to effective communication.”

**AUTHORIZATION**

- I. Statutory Authorization
  - A) Statutory authorization for the Sign Language Interpreter occupation may be found in the Nebraska Revised Statutes, sections [20-150](#) to [20-159](#), and Nebraska Revised Statutes, sections [71-4720](#) to [71-4732.01](#). For text of the Nebraska statutes relating to the Sign Language Interpreter and Video Remote Interpreter occupations, see Appendix A.
  
- II. Other Authorization
  - A) Rules and regulations regarding the Sign Language Interpreter and Video Remote Interpreter occupations may be found in the Nebraska Administrative Code [Title 96](#).

## **CREDENTIALING**

- I. Number of Licenses, Certifications, or Registrations Issued In Past Five Years
  - A) There were 320 Sign Language Interpreter and Video Remote Interpreter licenses issued in the past five years, including renewals.
  
- II. Number of Licenses, Certifications, or Registrations Denied in Past Five Years
  - A) There were no Sign Language Interpreter and Video Remote Interpreter licenses denied in the past five years.
  
- III. Number of Licenses, Certifications, or Registrations Revoked in Past Five Years
  - A) There was one Sign Language Interpreter license revoked in the past five years.
  - B) The licensee signed a consent to discipline document and voluntarily surrendered their license from January 24, 2019 to June 6, 2019 with a stipulation to complete six hours of ethics training.
  
- IV. Number of Licenses, Certifications, or Registrations Penalized in Past Five Years
  - A) There were two Sign Language Interpreter licenses penalized in the past five years.
  - B) One license was limited for one year to exclude the ability to interpret in medical and mental health settings, and the individual had to take 1.0 Continuing Education Unit. One licensee had to complete 1.0 Continuing Education Unit to address alleged code of professional conduct violations and submit a plan as to how he or she would apply them to the interpretation practice.
  
- V. Comparison of How Other States Regulate This Occupation
  - A) All jurisdictions have some sort of regulation regarding Sign Language Interpreters. Some jurisdictions only require licensure or certification if the Sign Language Interpreter is working as an educational interpreter or legal interpreter. Of the surrounding states, Iowa and Missouri require sign language interpreters to be licensed. Colorado, Kansas, South Dakota and Minnesota do not currently have licensure laws, but do keep registries of qualified sign language interpreters listing their certifications. The Registry of Interpreters for the Deaf website has a [state-by-state regulation page](#) for the 50 states, Washington D.C., and Puerto Rico.

VI. What Is The Potential Harm if This Occupation Is No Longer Licensed, Certified, or Regulated?

A) Licensure makes it possible for states to establish minimum qualifications for interpreters to work in all kinds of settings that impact the daily lives of deaf, hard of hearing, and deaf-blind people. Without licensure, interpreters could go into various situations without the proper qualifications. There would be no way to vet the qualifications of interpreters at jobs. Even though many interpreters are certified, other interpreters could volunteer without the appropriate qualifications for various situations such as legal matters, hospitals, mental health, academics, or one-on-one work. If the Sign Language Interpreter and Video Remote Interpreter occupations were no longer licensed, certified, or regulated, the health, safety, and welfare of those who rely on interpreters could be harmed by an unqualified interpreter relaying information incorrectly.

**COMMITTEE RECOMMENDATION ON CONTINUATION, MODIFICATION, OR TERMINATION OF OCCUPATIONAL REGULATIONS**

Regulated occupations under the purview of the Health and Human Services Committee are unique in that through the Nebraska Regulation of Health Professions Act (Neb. Rev. Stat. Sections 71-6201 to 71-6229), health professions which are not licensed or regulated, or health professions that wish to change their scope of practice, go through a three-stage credentialing process.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

- 1) The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health;
- 2) The review of the State Board of Health;
- 3) The review of the Director of the Division of Public Health.

The three review bodies each create their own independent report on each proposal. All reports created by the review process are available to members of the Health and Human Services Committee to assist them during their review of any bills that might arise from credentialing review proposals. These reports include recommendations regarding the level of licensure of the health profession. These reports are advisory to the Legislature, and only the action of the Legislature may create changes in the regulatory status of a profession. These reports represent expert input into possible public health and safety aspects of credentialing review proposals, and the nine-month process is overseen by those with experience in the provision of health-related or medical services.

The licenses, certifications, and registrations overseen by the Nebraska Commission for the Deaf and Hard of Hearing and Interpreter Review Board are intended to protect the health, safety, and welfare of Nebraskans. The current regulation of the Sign Language Interpreter and Video Remote Interpreter occupations by licensure is appropriate and balanced and does not need modification at this time.

## **APPENDIX A**

**STATUTES PERTAINING TO SIGN LANGUAGE INTERPRETERS AND THE  
COMMISSION FOR THE DEAF AND HARD OF HEARING**

**20-150. Legislative findings; licensed interpreters; qualified educational interpreters; legislative intent.**

(1) The Legislature hereby finds and declares that it is the policy of the State of Nebraska to secure the rights of deaf and hard of hearing persons who cannot readily understand or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of state agencies and law enforcement personnel unless interpreters are available to assist them. State agencies and law enforcement personnel shall appoint licensed interpreters as provided in sections 20-150 to 20-159, except that courts and probation officials shall appoint interpreters as provided in sections 20-150 to 20-159 and 25-2401 to 25-2407 and public school districts and educational service units shall appoint qualified educational interpreters.

(2) The Commission for the Deaf and Hard of Hearing shall license and evaluate interpreters and video remote interpreting providers pursuant to section 20-156. The commission shall (a) develop licensed interpreter guidelines for distribution, (b) develop training to implement the guidelines, (c) adopt and promulgate rules and regulations to implement the guidelines and requirements for licensed interpreters, and (d) develop a roster of interpreters as required in section 71-4728.

(3) It is the intent of the Legislature to assure that qualified educational interpreters are provided to deaf and hard of hearing children in kindergarten-through-grade-twelve public school districts and educational service units. The State Department of Education shall adopt and promulgate rules and regulations to implement the guidelines and requirements for qualified educational interpreters, and such rules and regulations shall apply to all qualified educational interpreters.

Source: Laws 1987, LB 376, § 1; Laws 1997, LB 851, § 1; Laws 2002, LB 22, § 1; Laws 2006, LB 87, § 1; Laws 2015, LB287, § 1.

**20-151. Terms, defined.**

For purposes of sections 20-150 to 20-159, unless the context otherwise requires:

(1) Appointing authority means the state agency or law enforcement personnel required to provide a licensed interpreter pursuant to sections 20-150 to 20-159;

(2) Auxiliary aid includes, but is not limited to, sign language interpreters, oral interpreters, tactile interpreters, other interpreters, notetakers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems;

(3) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or other auxiliary aid;

(4) Intermediary interpreter means any person, including any deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a deaf or hard of hearing person and an interpreter;

(5) Licensed interpreter means a person who demonstrates proficiencies in interpretation or transliteration as required by the rules and regulations adopted and promulgated by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of section 20-150 and who holds a license issued by the commission pursuant to section 20-156. Licensed interpreter includes a licensed video remote interpreting provider;

(6) Oral interpreter means a person who interprets language through facial expression, body language, and mouthing;

(7) State agency means any state entity which receives appropriations from the Legislature and includes the Legislature, legislative committees, executive agencies, courts, and probation officials but does not include political subdivisions;

(8) Tactile interpreter means a person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person;

(9) Video remote interpreting services means the use of videoconferencing technology with the intent to provide effective interpreting services; and

(10) Video remote interpreting provider means a person or an entity licensed to provide video remote interpreting services.

Source: Laws 1987, LB 376, § 2; Laws 1997, LB 851, § 2; Laws 2002, LB 22, § 2; Laws 2006, LB 87, § 2; Laws 2015, LB287, § 2.

### **20-152. Deaf or hard of hearing person; arrest; right to interpreter; use of statements.**

Whenever a deaf or hard of hearing person is arrested and taken into custody for an alleged violation of state law or local ordinance, the appointing authority shall procure a licensed interpreter for any interrogation, warning, notification of rights, or taking of a statement, unless otherwise waived. No arrested deaf or hard of hearing person otherwise eligible for release shall be held in custody solely to await the arrival of a licensed interpreter. A licensed interpreter shall be provided as soon as possible. No

written or oral answer, statement, or admission made by a deaf or hard of hearing person in reply to a question of any law enforcement officer or any other person having a prosecutorial function may be used against the deaf or hard of hearing person in any criminal proceeding unless (1) the statement was made or elicited through a licensed interpreter and was made knowingly, voluntarily, and intelligently or (2) the deaf or hard of hearing person waives his or her right to an interpreter and the waiver and statement were made knowingly, voluntarily, and intelligently. The right of a deaf or hard of hearing person to an interpreter may be waived only in writing. The failure to provide a licensed interpreter pursuant to this section shall not be a defense to prosecution for the violation for which the deaf or hard of hearing person was arrested.

Source: Laws 1987, LB 376, § 3; Laws 1997, LB 851, § 3; Laws 2002, LB 22, § 3.

**20-153. Proceedings; interpreter provided; when.**

(1) For any proceeding before an appointing authority including any court at which a deaf or hard of hearing person is subpoenaed or requested in writing to attend, the appointing authority shall obtain a licensed interpreter to interpret the proceedings to the deaf or hard of hearing person and to interpret his or her testimony or statements.

(2) Whenever any state agency uses the services of a qualified interpreter, as defined in federal law, to comply with sections 42 U.S.C. 12102, 12131, and 12132, and any regulations adopted thereunder, as such sections and regulations existed on July 20, 2002, the state agency shall obtain a licensed interpreter to act as a qualified interpreter for such purposes.

Source: Laws 1987, LB 376, § 4; Laws 1997, LB 851, § 4; Laws 2002, LB 22, § 4.

**20-154. Appointment of additional interpreters.**

If a licensed interpreter appointed under section 20-153 is not able to provide effective communication with a deaf or hard of hearing person, the appointing authority shall obtain another licensed interpreter. An oral interpreter shall be provided upon request of a deaf or hard of hearing person who chooses not to communicate in sign language. If an interpreter is unable to render a satisfactory interpretation, the appointing authority shall then obtain an intermediary interpreter to assist the appointed interpreter. The appointing authority shall ensure that any interpreter is properly situated so as to permit effective communication with the deaf or hard of hearing person and full participation of the deaf or hard of hearing person in the proceeding.

Source: Laws 1987, LB 376, § 5; Laws 1997, LB 851, § 5; Laws 2002, LB 22, § 5.

## **20-155. Proof of hearing impairment.**

When an appointing authority has reason to believe that a person is not deaf or hard of hearing or is not dependent on an interpreter to ensure receptive or expressive communication, the appointing authority may require the person to furnish reasonable proof of his or her need for an interpreter.

Source: Laws 1987, LB 376, § 6; Laws 1997, LB 851, § 6.

### **20-155.01. Interpreter; oath required.**

In any proceeding in which a deaf or hard of hearing person is testifying under oath or affirmation, the interpreter shall take an oath or affirmation that he or she will make a true interpretation of the proceeding in an understandable manner to the best of his or her ability.

Source: Laws 1987, LB 376, § 8; R.S.1943, (1991), § 20-157; Laws 1997, LB 851, § 7.

## **20-156. Commission; interpreters; video remote interpreting providers; licensure; requirements; fees; roster; disciplinary actions; review; injunctions authorized.**

(1) The Commission for the Deaf and Hard of Hearing shall license and evaluate licensed interpreters. The commission shall create the Interpreter Review Board pursuant to section 71-4728.05 to set policies, standards, and procedures for evaluation and licensing of interpreters. The commission may recognize evaluation and certification programs as a means to carry out the duty of evaluating interpreters' skills. The commission may define and establish different levels or types of licensure to reflect different levels of proficiency and different specialty areas.

(2) The commission shall establish and charge reasonable fees for licensure of interpreters and video remote interpreting providers, including applications, initial competency assessments, renewals, modifications, record keeping, approval, conduct, and sponsorship of continuing education, and assessment of continuing competency pursuant to sections 20-150 to 20-159. All fees collected pursuant to this section by the commission shall be remitted to the State Treasurer for credit to the Commission for the Deaf and Hard of Hearing Fund. Such fees shall be disbursed for payment of expenses related to this section.

(3) The commission shall prepare and maintain a roster of licensed interpreters as provided by section 71-4728. Nothing in sections 20-150 to 20-159 shall be construed to prevent any appointing authority from contracting with a licensed interpreter on a full-time employment basis.

(4) The commission may deny, refuse to renew, limit, revoke, suspend, or take other disciplinary actions against a license when the applicant or licensee is found to have violated any provision of sections 20-150 to 20-159 or 71-4728 to 71-4732, or any rule

or regulation of the commission adopted and promulgated pursuant to such sections, including rules and regulations governing unprofessional conduct. The Interpreter Review Board shall investigate complaints regarding the use of interpreters by any appointing authority, or the providing of interpreting services by any interpreter, alleged to be in violation of sections 20-150 to 20-159 or rules and regulations of the commission. The commission shall notify in writing an appointing authority determined to be employing interpreters in violation of sections 20-150 to 20-159 or rules and regulations of the commission and shall monitor such appointing authority to prevent future violations.

(5) Any decision of the commission pursuant to this section shall be subject to review according to the Administrative Procedure Act.

(6) Any person or entity providing interpreting services pursuant to sections 20-150 to 20-159 without a license issued pursuant to this section may be restrained by temporary and permanent injunctions and on and after January 1, 2016, shall be subject to a civil penalty as provided in section 20-156.01.

Source: Laws 1987, LB 376, § 7; Laws 1997, LB 752, § 78; Laws 1997, LB 851, § 8; Laws 2002, LB 22, § 6; Laws 2006, LB 87, § 3; Laws 2010, LB706, § 1; Laws 2015, LB287, § 3.

**20-156.01. Prohibited acts without license; licensure; application; civil penalty; commission; powers; acts authorized.**

(1) Except as otherwise provided in this section, no person or entity shall (a) practice as an interpreter for the deaf or hard of hearing for compensation, (b) hold himself, herself, or itself out as a licensed interpreter for the deaf or hard of hearing, (c) provide video remote interpreting services, (d) use the title Licensed Interpreter for the Deaf or Licensed Transliterater for the Deaf, or (e) use any other title or abbreviation to indicate that the person or entity is a licensed interpreter unless licensed pursuant to section 20-156.

(2) A person rostered as a qualified interpreter on or before August 30, 2015, may be issued a license pursuant to section 20-156 upon filing an application and paying the fee established by the Commission for the Deaf and Hard of Hearing. Such person shall meet all applicable licensure requirements of sections 20-150 to 20-159 on or before January 1, 2016.

(3)(a) On and after January 1, 2016, any person or entity who practices, offers to practice, or attempts to practice as an interpreter for the deaf or hard of hearing for compensation or as a video remote interpreting provider or holds himself, herself, or itself out as a licensed interpreter without being licensed pursuant to section 20-156 or exempt under this section shall, in addition to any other penalty provided by law, pay a civil penalty to the commission in an amount not to exceed five hundred dollars for each offense as determined by the commission. The civil penalty shall be assessed by the commission after a hearing is held in accordance with section 20-156 and shall be

remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(b) The civil penalty shall be paid within sixty days after the date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.

(c) The commission may investigate any actual, alleged, or suspected unlicensed activity.

(4) An unlicensed person or entity providing interpreting services is not in violation of the licensure requirements of this section if the person or entity is:

(a) Providing interpreting services as part of a religious service;

(b) Notwithstanding other state or federal laws or rules regarding emergency treatment, providing interpreting services, until the services of a licensed interpreter can be obtained if there is continued need for an interpreter, in an emergency situation involving health care in which the patient or his or her representative and a health care provider or health care professional agree that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the patient;

(c) Currently enrolled in a course of study leading to a certificate or degree in interpreting if such person is under the direct supervision of a licensed interpreter, engages only in activities and services that constitute a part of such course of study, and clearly designates himself or herself as a student, a trainee, or an intern;

(d) Working as an educational interpreter in compliance with rules and regulations adopted and promulgated by the State Department of Education or working for other purposes in a public school or an educational service unit;

(e) Holding either a certificate or a license as an interpreter in his or her state of residence which he or she has submitted to the commission for approval and either (i) providing interpreting services in Nebraska for a period of time not to exceed fourteen days in a calendar year or (ii) providing interpreting services by telecommunicating, or other use of technological means of communication; or

(f) Employed by or under contract with a person or an entity which is a licensed video remote interpreting provider in this state.

Source: Laws 2015, LB287, § 4.

### **20-158. Interpreter; privilege applicable.**

Whenever a deaf or hard of hearing person communicates through an interpreter under circumstances in which the communication would otherwise be privileged, the privilege shall apply to the interpreter as well.

Source: Laws 1987, LB 376, § 9; Laws 1997, LB 851, § 9.

**20-159. Fees authorized.**

A licensed interpreter appointed pursuant to sections 20-150 to 20-159 is entitled to a fee for professional services and other relevant expenses as agreed between the licensed interpreter and the contracting entity. When the licensed interpreter is appointed by a court, the fee shall be paid out of the General Fund with funds appropriated to the Supreme Court for that purpose or from funds, including grant money, made available to the Supreme Court for such purpose. When the licensed interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the governing body of the appointing authority.

Source: Laws 1987, LB 376, § 10; Laws 1997, LB 851, § 10; Laws 1999, LB 54, § 2; Laws 2002, LB 22, § 7; Laws 2011, LB669, § 1; Laws 2015, LB287, § 5.

**71-4720. Commission for the Deaf and Hard of Hearing; created; members; appointment; qualifications.**

There is hereby created the Commission for the Deaf and Hard of Hearing which shall consist of nine members to be appointed by the Governor subject to approval by the Legislature. The commission members shall include three deaf persons, three hard of hearing persons, and three persons who have an interest in and knowledge of deafness and hearing loss issues. A majority of the commission members who are deaf or hard of hearing shall be able to express themselves through sign language. Employees of any state agency other than employees of the commission shall be eligible to serve on the commission. When appointing members to the commission, the Governor shall consider recommendations from individuals, organizations, and the public.

Source: Laws 1979, LB 101, § 1; Laws 1981, LB 250, § 1; Laws 1987, LB 376, § 16; Laws 1995, LB 25, § 1; Laws 1997, LB 851, § 12; Laws 2019, LB248, § 6.

**71-4720.01. Terms, defined.**

For purposes of sections 71-4720 to 71-4732.01:

- (1) Commission means Commission for the Deaf and Hard of Hearing;
- (2) Deaf means a hearing impairment, with or without amplification, which is so severe that the person with the impairment may have difficulty in auditorily processing spoken language without the use of an interpreter;
- (3) Hard of hearing means a hearing loss, permanent or fluctuating, which may adversely affect the ability to understand spoken language without the use of an interpreter or auxiliary aid; and
- (4) Licensed interpreter has the same meaning as in section 20-151.

Source: Laws 1997, LB 851, § 13; Laws 2000, LB 352, § 17; Laws 2001, LB 334, § 3; Laws 2002, LB 22, § 14.

**71-4721. Commission; members; terms.**

Members of the commission shall serve for terms of three years and may not serve more than two consecutive three-year terms. A former member who has served two consecutive terms may be reappointed to the commission after at least one year of nonservice. The terms of the members shall expire on January 31 of the final year of their appointed term. As the terms of the appointees expire, succeeding appointees shall be representatives of the same segment of the public as the previous appointee, and such successors shall be appointed to three-year terms, except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

Source: Laws 1979, LB 101, § 2; Laws 1987, LB 376, § 17; Laws 1997, LB 851, § 14.

**71-4722. Members; removal; grounds.**

Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, but only after delivering to the member a copy of the charges and affording such member an opportunity to be publicly heard in person, or by counsel, in his or her own defense, upon not less than ten days' notice.

Source: Laws 1979, LB 101, § 3.

**71-4723. Members; expenses.**

The members of the commission shall receive no compensation for their services as such but shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and in carrying out their official duties as provided in sections 81-1174 to 81-1177, for state employees.

Source: Laws 1979, LB 101, § 4; Laws 1981, LB 204, § 131.

**71-4724. Commission; meetings; record; quorum.**

The commission shall hold at least four meetings a year, at a time and place decided by the commission, and shall keep a record of its proceedings, which shall be open to the public for inspection. The commission shall adopt and promulgate rules and regulations for the holding of special meetings. Written notice of the time and place of all meetings shall be mailed in advance to the office of each member of the commission by the secretary. Six members of the commission shall constitute a quorum.

Source: Laws 1979, LB 101, § 5; Laws 1981, LB 250, § 2; Laws 1987, LB 376, § 18; Laws 1997, LB 851, § 15.

**71-4725. Commission; officers; elect.**

The commission shall annually elect from its members a chairperson, vice-chairperson, and secretary. At least one officer shall be a deaf or hard of hearing person. The vice-chairperson shall serve as chairperson in case of the absence or disability of the chairperson.

Source: Laws 1979, LB 101, § 6; Laws 1981, LB 250, § 3; Laws 1987, LB 376, § 19; Laws 1997, LB 851, § 16.

**71-4726. Commission; executive director; appoint.**

The commission shall appoint a qualified person to serve as executive director who shall serve with the advice and consent of the commission. When appointing an executive director preference may be given to a deaf or hard of hearing person.

Source: Laws 1979, LB 101, § 7; Laws 1981, LB 250, § 4; Laws 1997, LB 851, § 17.

**71-4727. Commission; employees.**

The commission may employ any employees, including interpreters, it considers necessary to carry out the purposes of sections 71-4720 to 71-4732.01.

Source: Laws 1979, LB 101, § 8; Laws 1995, LB 25, § 2; Laws 1999, LB 359, § 1; Laws 2001, LB 334, § 4; Laws 2002, LB 22, § 15.

**71-4728. Commission; purpose; duties.**

The commission shall serve as the principal state agency responsible for monitoring public policies and implementing programs which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of persons with a hearing loss and assist such persons in locating and securing such services;

(2) License interpreters and video remote interpreting providers under sections 20-150 to 20-159 and prepare and maintain a roster of licensed interpreters as defined in section 20-151. The roster shall include the type of employment the interpreter generally engages in, the type of license held, and the expiration date of the license. Each interpreter included on the roster shall provide the commission with his or her social security number which shall be kept confidential by the commission. The roster shall be made available to local, state, and federal agencies and shall be used for referrals to private organizations and individuals seeking interpreters and video remote interpreting providers;

- (3) Promote the training of interpreters and video remote interpreting providers for deaf or hard of hearing persons;
- (4) Provide counseling to deaf or hard of hearing persons or refer such persons to private or governmental agencies which provide counseling services;
- (5) Conduct a voluntary census of deaf or hard of hearing persons in Nebraska and compile a current registry;
- (6) Promote expanded adult educational opportunities for deaf or hard of hearing persons;
- (7) Serve as an agency for the collection of information concerning deaf or hard of hearing persons and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of deaf or hard of hearing persons and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;
- (8) Appoint advisory or special committees when appropriate for indepth investigations and study of particular problems and receive reports of findings and recommendations;
- (9) Assess and monitor programs for services to deaf or hard of hearing persons and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;
- (10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for deaf or hard of hearing persons. The recommendations submitted to the Legislature shall be submitted electronically;
- (11) Promote awareness and understanding of the rights of deaf or hard of hearing persons;
- (12) Promote statewide communication services for deaf or hard of hearing persons;
- (13) Assist deaf or hard of hearing persons in accessing comprehensive mental health, alcoholism, and drug abuse services;
- (14) Provide licensed interpreters in public and private settings for the benefit of deaf or hard of hearing persons, if private-practice licensed interpreters are not available, and establish and collect reasonable fees for such services; and
- (15) Approve, conduct, and sponsor continuing education programs and other activities to assess continuing competence of licensees. The commission shall establish and charge reasonable fees for such activities. All fees collected pursuant to this section by the commission shall be remitted to the State Treasurer for credit to the Commission

for the Deaf and Hard of Hearing Fund. Such fees shall be disbursed for payment of expenses related to this section.

Source: Laws 1979, LB 101, § 9; Laws 1981, LB 250, § 5; Laws 1987, LB 376, § 20; Laws 1995, LB 25, § 3; Laws 1997, LB 851, § 18; Laws 1999, LB 359, § 2; Laws 2002, LB 22, § 16; Laws 2006, LB 87, § 4; Laws 2012, LB782, § 117; Laws 2015, LB287, § 6.

**71-4728.01. Commission; mental health, alcoholism, and drug abuse services; service coordination.**

The commission shall not deliver direct mental health, alcoholism, and drug abuse services but shall assist in obtaining full access to comprehensive mental health, alcoholism, and drug abuse services for deaf or hard of hearing persons by providing service coordination for deaf or hard of hearing persons with mental health, alcoholism, and drug abuse disorders including:

- (1) Meeting the communication needs of deaf or hard of hearing persons including interpreter services and auxiliary aids;
- (2) Education and training for persons who provide treatment for mental health, alcoholism, and drug abuse disorders to deaf or hard of hearing persons; and
- (3) Placement of assistive-listening devices for deaf or hard of hearing persons in mental health, alcoholism, and drug abuse treatment facilities.

Source: Laws 1995, LB 25, § 4; Laws 1997, LB 851, § 19.

**71-4728.02. Commission; mental health specialist advisor; duties.**

The commission shall appoint a mental health specialist advisor. The specialist shall monitor and provide advice to mental health, alcoholism, and drug abuse programs which provide treatment for deaf or hard of hearing persons. The specialist shall also serve as the commission's liaison to persons who provide treatment or intervention services for mental health, alcoholism, and drug abuse disorders which provide treatment for deaf or hard of hearing persons.

Source: Laws 1995, LB 25, § 5; Laws 1997, LB 851, § 20.

**71-4728.03. Commission; special advisory committee; members.**

The commission shall implement section 71-4728.02 with the advice of a special advisory committee appointed by the commission. The committee shall consist of five members as follows: Three counselors familiar with mental health, alcoholism, and drug abuse disorders in deaf or hard of hearing persons and two human services professionals. The Department of Health and Human Services and the commission shall each have a representative who serves on the committee in a nonvoting technical capacity.

Source: Laws 1995, LB 25, § 6; Laws 1996, LB 1044, § 682; Laws 1997, LB 851, § 21.

**71-4728.04. Commission; telehealth system; powers and duties.**

(1) The commission may establish a telehealth system to provide access for deaf and hard of hearing persons in remote locations to mental health, alcoholism, and drug abuse services. The telehealth system may (a) provide access for deaf or hard of hearing persons to counselors who communicate in sign language and are knowledgeable in deafness and hearing loss issues, (b) promote access for hard of hearing persons through contacts with counselors in which hard of hearing persons receive both visual cues, or reading lips, and auditory cues, (c) offer remote interpreter services for deaf or hard of hearing persons to interact with counselors who are not fluent in sign language, and (d) promote participation in educational programs.

(2) The commission shall set and charge a fee between the range of twenty and one hundred fifty dollars per hour for the use of the telehealth system. The commission shall remit all fees collected pursuant to this section to the State Treasurer for credit to the Telehealth System Fund.

(3) For purposes of this section, telehealth has the same meaning as in section 71-8503.

Source: Laws 2001, LB 334, § 1; Laws 2002, Second Spec. Sess., LB 49, § 1.

**71-4728.05. Interpreter Review Board; members; duties; expenses.**

(1) The commission shall appoint the Interpreter Review Board as required in section 20-156.

(2) Members of the Interpreter Review Board shall be as follows:

(a) A representative of the Department of Health and Human Services and the executive director of the commission or his or her designee, both of whom shall serve continuously and without limitation;

(b) One qualified interpreter, appointed for a term to expire on June 30, 2008;

(c) One representative of local government, appointed for a term to expire on June 30, 2008;

(d) One deaf or hard of hearing person, appointed for a term to expire on June 30, 2009;

(e) One qualified interpreter, appointed for a term to expire on June 30, 2009;

(f) One deaf or hard of hearing person, appointed for a term to expire on June 30, 2010; and

(g) One representative of local government, appointed for a term to expire on June 30, 2010.

(3) Upon the expiration of the terms described in subsection (2) of this section, members other than those identified in subdivision (2)(a) of this section shall be appointed for terms of three years. No such member may serve more than two consecutive three-year terms beginning June 30, 2007, except that members whose terms have expired shall continue to serve until their successors have been appointed and qualified.

(4) The commission may remove a member of the board for inefficiency, neglect of duty, or misconduct in office after delivering to such member a copy of the charges and a public hearing in accordance with the Administrative Procedure Act. If a vacancy occurs on the board, the commission shall appoint another member with the same qualifications as the vacating member to serve the remainder of the term. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses, as provided in sections 81-1174 to 81-1177, in attending meetings of the commission and in carrying out their official duties as provided in this section and section 20-156.

(5) The board shall establish policies, standards, and procedures for evaluating and licensing interpreters, including, but not limited to, testing, training, issuance, renewal, and denial of licenses, continuing education and continuing competency assessment, investigation of complaints, and disciplinary actions against a license pursuant to section 20-156.

Source: Laws 2002, LB 22, § 17; Laws 2006, LB 87, § 5; Laws 2007, LB296, § 590.

**71-4729. Commission; cooperate with state agencies.**

The commission shall in fulfilling its responsibilities enumerated in section 71-4728 cooperate with any state agency having authority related to the problems of deaf or hard of hearing persons. Such agencies shall also cooperate with the commission. Avoidance of unnecessary duplication of state-delivered services to deaf or hard of hearing persons shall be a primary objective of such cooperation.

Source: Laws 1979, LB 101, § 10; Laws 1981, LB 250, § 6; Laws 1995, LB 25, § 7; Laws 1997, LB 851, § 22.

**71-4730. Commission; agreements; contracts; enter into.**

The commission may make agreements with other state agencies and may contract with other individuals, organizations, corporations, associations, or other legal entities including private agencies or any department or agency of the federal government or the state or any political subdivision thereof, to carry out the functions and purposes of the commission.

Source: Laws 1979, LB 101, § 11.

**71-4731. Governor; gifts, grants, and donations; accept.**

The Governor may accept gifts, grants, and donations of money, personal property, and real property for use in expanding and improving services to deaf or hard of hearing persons of this state.

Source: Laws 1979, LB 101, § 12; Laws 1997, LB 851, § 23.

**71-4732. Commission for the Deaf and Hard of Hearing Fund; created; use; investment.**

There is hereby created a Commission for the Deaf and Hard of Hearing Fund to consist of such funds as the Legislature shall appropriate, any funds received under sections 20-156 and 71-4731, and any fees collected for interpreter services as provided in section 71-4728. The fund shall be used to administer sections 20-156 and 71-4720 to 71-4732.01, except that (1) money in the fund from fees collected for interpreter services shall be used only for expenses related to the provision of such services, (2) money in the fund may only be used to provide services pursuant to section 71-4728.04 if there is no money in the Telehealth System Fund, and (3) transfers may be made from the Commission for the Deaf and Hard of Hearing Fund to the General Fund at the direction of the Legislature. Any money in the Commission for the Deaf and Hard of Hearing Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 1979, LB 101, § 13; Laws 1995, LB 7, § 78; Laws 1995, LB 25, § 8; Laws 1997, LB 851, § 24; Laws 1999, LB 359, § 3; Laws 2001, LB 334, § 5; Laws 2002, LB 22, § 18; Laws 2009, First Spec. Sess., LB3, § 45.

**71-4732.01. Telehealth System Fund; created; use; investment.**

The Telehealth System Fund is created. The fund shall be used for any expenses related to the operation and maintenance of the telehealth system established in section 71-4728.04. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 2001, LB 334, § 2.